

STOLPESTAD,
BROWN &
SMITH
PROFESSIONAL
ASSOCIATION

2000 North Central Tower
440 Minnesota Street
Saint Paul, Minnesota 55102-2071

Tele: 703-67
Telephone (612) 222-1501

Attorneys at Law

James A. Stolpe
Richard L. Brown
Stephen E. Smith
Gary L. Gendrup
James J. Ryan
Edward F. Fox
Gary Hansen
Barbara S. Sellers
Sue Ann Nelson
David M. Cremons
Thomas F. Surprenant
Lori West-Parks
Jeffrey A. Reardon
Timothy J. Grande
Marc J. Manderscheid

On Counsel
George C. King
Carl A. Swenson

May 22, 1985



David Hird
U.S. Dept. of Justice
Land & Natural Resources
Division
Environmental Enforcement
Section
10th and Pennsylvania Avenue, N.W.
Room 1507
Washington, D.C. 20530

Allen Hinderaker
Popham, Haik, Schnobrich,
Kaufman & Doty, Ltd.
4344 IDS Center
Minneapolis, MN 55402

Thomas W. Wexler
Peterson, Engberg & Peterson
700 Title Insurance Bldg.
Minneapolis, MN 55401

James T. Swenson
Mackall, Crounse & Moore
1600 TCF Tower
Minneapolis, MN 55402

Francis X. Hermann
Assistant U.S. Attorney
United States Courthouse
110 South Fourth Street
Minneapolis, MN 55401

Stephen Shakman
Special Assistant Attorney General
1935 West County B2
Roseville, MN 55113

Edward J. Schwartzbauer
Dorsey & Whitney
2200 First Bank Place East
Minneapolis, MN 55402

Laurance R. Waldoch
Lindquist & Vennum
4200 IDS Center
Minneapolis, MN 55402

Jerre A. Miller
Vesely & Miller
400 Norwest Bank Building
Hopkins, MN 55343

RE: U.S., et al. v. Reilly Tar & Chemical Corp., et al.

Dear Counsel:

Enclosed herewith and served upon you by United States Mail, please find a Notice of Motion of City of Hopkins to File Second Amended Complaint.

Very truly yours,

Gary Hansen

GH/mtw 1963-002

Enclosure

90-7-1-21

3 MAY 28 1985

LANDS DIVISION
POLICE / ENFORCEMENT

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
FOURTH DIVISION

United States of America,

Plaintiff,

and

State of Minnesota, by its Attorney
General Hubert H. Humphrey, III, its
Department of Health, and its Pollu-
tion Control Agency,

Plaintiff-Intervenor,

v.

Reilly Tar & Chemical Corporation,
Housing and Redevelopment Authority
of St. Louis Park, Oak Park Village
Associates, Rustic Oaks Condominium,
Inc., and Philip's Investment Co.,

Defendants,

Civil File No. 4-80-469

and

City of St. Louis Park,

Plaintiff-Intervenor,

NOTICE AND MOTION OF
CITY OF HOPKINS TO
FILE SECOND AMENDED
COMPLAINT

v.

Reilly Tar & Chemical Corporation,

Defendant,

and

City of Hopkins,

Plaintiff-Intervenor,

v.

Reilly Tar & Chemical Corporation,

Defendant.

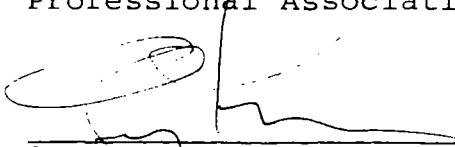
TO: All Attorneys of Record.

PLEASE TAKE NOTICE that Plaintiff-Intervenor City of Hopkins hereby moves the Court for an Order granting it leave to file its Second Amended Complaint in Intervention.

The motion seeks the Court's permission to add an additional claim based on the provisions of the Minnesota Environmental Response and Liability Act, Minn. Stat. §115B.01, et seq. The motion is based on Federal Rule of Civil Procedure 15, on the attached Stipulation of counsel, on the Court's Orders in response to similar motions by the State of Minnesota and the City of St. Louis Park, and on all of the files and proceedings herein.

Dated: May 22, 1985

STOLPESTAD, BROWN & SMITH
Professional Association



GARY HANSEN
Atty. Reg. No. 00040617

Attorneys for City of Hopkins
2000 North Central Tower
445 Minnesota Street
St. Paul, Minnesota 55101
(612) 222-1501

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
FOURTH DIVISION

United States of America,

Plaintiff,

Civil File No. 4-80-469

and

STIPULATION AND ORDER

State of Minnesota, by its
Attorney General Hubert H.
Humphrey, III, its Department
of Health, and its Pollution
Control Agency,

Plaintiff-
Intervenor,

v.

Reilly Tar & Chemical
Corporation; Housing and
Redevelopment Authority of
St. Louis Park; Oak Park
Village Associates, Rustic
Oaks Condominium, Inc., and
Philip's Investment Co.,

Defendants,

and

City of St. Louis Park,

Plaintiff-
Intervenor,

v.

Reilly Tar & Chemical
Corporation,

Defendant,

and

City of Hopkins,

Plaintiff-
Intervenor,

v.

Reilly Tar & Chemical
Corporation,

Defendant.

IT IS HEREBY STIPULATED AND AGREED, by and between the City of Hopkins ("Hopkins") and Reilly Tar & Chemical Corporation ("Reilly"), that, although Reilly opposes the motion of Hopkins for leave to file a Second Amended Complaint in Intervention in the above matter, in light of the Court's Order of April 5, 1985 granting the State of Minnesota's motion to amend its Complaint in Intervention, Reilly will not file a formal opposition to Hopkin's motion, and the matter will stand as if the Court granted the motion of Hopkins for leave to file a Second Amended Complaint in Intervention over Reilly's opposition thereto. Reilly reserves all rights it would have if the motion had been granted over its formal opposition thereto.

Dated: May 20, 1985

DORSEY & WHITNEY

By: Michael J. Wahoske
Edward J. Schwartzbauer
Becky A. Comstock
Michael J. Wahoske
James E. Dorsey, III

Attorneys for Defendant Reilly
Tar & Chemical Corporation
2200 First Bank Place East
Minneapolis, Minnesota 55402
(612)340-2600

Dated: _____

April 24, 1985

STOLPESTAD, BROWN & SMITH
Professional Association



Gary Hansen

Atty. Reg. No. 00040617

Attorneys for City of Hopkins
2000 North Central Tower
445 Minnesota Street
Saint Paul, Minnesota 55101
(612) 222-1501

IT IS SO ORDERED.

Dated: _____

Paul A. Magnuson, Judge
United States District Court

STATE OF MINNESOTA)
) ss.
COUNTY OF RAMSEY)

Mary Teresa Wallace , being first duly sworn, deposes
and says that on May 22, 1985 , she served the
attached Notice and Motion of City of Hopkins to File Second
Amended Complaint

upon David Hird, attorney for the United States; Francis X.
Hermann, attorney for the United States; Stephen Shakman,
attorney for the State of Minnesota; Allen Hinderaker, attorney
for St. Louis Park; Edward J. Schwartzbauer, attorney for Reilly
Tar and Chemical Company; Thomas W. Wexler, attorney for Phillips
Investment; Laurance R. Waldoch, attorney for Oak Park Village;
and James T. Swenson, attorney for TCF Service Corporation; by
placing a true and correct copy thereof, in an envelope address
to each of them as follows:

David Hird
U. S. Dept. of Justice
Land & Natural Resources
Division
Environmental Enforcement
Section
10th and Pennsylvania Avenue NW
Room 1507
Washington, D.C. 20530

Stephen Shakman
Special Assistant Attorney
General
1935 West County B2
Roseville, MN 55113

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Minneapolis, MN 55402

Laurance R. Waldoch
Lindquist & Vennum
4200 IDS Center
Minneapolis, MN 55402

(which are the last known addresses of said attorneys) and
depositing the same, with postage prepaid, in the United
States mails at Saint Paul, Minnesota.


MARY TERESA WALLACE

Subscribed and sworn to before me
this 22nd day of May, 1985.

Notary Public